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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,930	07/17/2003	Susann Marie Keohane	AUS920030357US1	2228
7590 07/09/2008 BARRY S. NEWBERGER WINSTEAD SECHREST & MINICK P.C. P.O. BOX 50784 1201 MAIN STREET DALLAS, TX 75250-0784				
EXAMINER HUSSAIN, TAUQIR				
ART UNIT 2152		PAPER NUMBER		
MAIL DATE 07/09/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/621,930

Applicant(s)

KEOHANE ET AL.

Examiner

TAUQIR HUSSAIN

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3, 10 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 10 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is supplementary to premature final mailed on 11/19/2007. A telephonic conversation held between attorney of record "Bobby Voight" and the Examiner on 11/29/2007.

Response to Amendment

2. This office action is in response to amendment /reconsideration filed on 06/18/2007, the amendment/reconsideration has been considered. Claims 1-2, 4-9, 11-16 and 18-20 have been canceled. Claims 3, 10 and 17 are pending for examination, the rejection cited as stated below.

Response to Arguments

3. A telephonic interview was held on June 6, 2007 with applicants' attorney Bobby Voigt, claims 2 and 3 were discussed under 112 second paragraph rejection along with art rejection under 102(e) as being anticipated and Examiner agreed to update the search.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for

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purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims, 3, 10 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Xue et al. (Patent No.: US 6,782,414 B1), hereinafter "Xue".
6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
7. As to claim 3, 10 and 17 (product, method, system etc.) Xue discloses, if a failed delivery e-mail message is received, setting an indicator associated with an address of an addressee corresponding to the failed delivery message (Xue, Fig.8D, Element-828, 834 and 842, Col.12, lines 42-60, where stop icon is associated with failed delivery messages corresponding to the failed email delivery addresses); and displaying said address in conjunction with a perceptive cue in response to said indicator being set (Xue, Fig.5 and Fig.8D, Element-828, 834 and 842, Col.12, lines 42-60, where stop icon is associated with failed delivery messages corresponding to the failed email delivery addresses and messages are still waiting to be delivered);
wherein, if said indicator is set (Xue, Fig.8D, Element-828, 834 and 842, Col.12, lines 42-60, where stop icon is associated with failed delivery messages corresponding to the failed email delivery addresses), said indicator is operable for clearing in response to said address becoming accessible (Xue, Fig.3, Elements 303-306,

Col. 8, lines 30-37, where 304 is reconciled module means if address matches than in next step indicator or status gets updated); and

clearing said indicator in response to subsequently receiving an e-mail originated from the address of the addressee corresponding to the failed delivery message (Xue, Fig.3, Elements 301-306, Col.8, lines 38-57, where at step-305 status gets updated after address becomes accessible or reconciled).

8. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references, as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tauqir Hussain whose telephone number is 571-270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272

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3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. H./

Examiner, Art Unit 2152

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2152